

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> 09/20/2024
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> Trans 212 - Standards for the Inspection of Bridges in Wisconsin Trans 213 - Local Bridge Program	
<b>4. Subject</b> Updating references and standards related to the inspection of bridges in ch. Trans 212, and the method of determining eligibility for funding of local bridges in ch. Trans 213.	
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input checked="" type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b>
<b>7. Fiscal Effect of Implementing the Rule</b> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$	
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>11. Policy Problem Addressed by the Rule</b> The current rule ch. Trans 212 uses outdated parameters for evaluating local bridges. Chapter Trans 213 requires a local bridge to become so deficient that often the only improvement is a bridge replacement. This is a safety concern that could require the closure of some bridges and the load posting of other bridges. This can result in discouraging, or even prohibiting, less intrusive, more cost-effective rehabilitative bridge treatments that can extend bridge-life before requiring full bridge replacements. This will also allow for the obligation of projects in a timely manner to meet federal fiscal year deadline requirements and receive highway authorizations under the Bipartisan Infrastructure Law (BIL).	
<b>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.</b> WisDOT informally consulted with Wisconsin County Highway Association (WCHA), Wisconsin Towns Association (WTA), Wisconsin Counties Association (WCA), and the League of Wisconsin Municipalities (League) as the rules affect local units of government eligible to receive federal funding through the local bridge program which is administered through county highway departments. These administrative code changes match current practice that local units of government already follow in order to ensure project are eligible for federal funding.	
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> WisDOT had informal consultations with WCHA, WTA, WCA, the League and it's members to discuss impacts of the proposed rule changes.	
<b>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</b> The proposed rule changes to ch. Trans 212 and 213 will have no effect on the economic and fiscal impact on businesses, local units of governments and the state's economy as a whole. This is based on the changes to ch. Trans 212 are to bring Wisconsin into conformance with federal code and what FHWA already requires. The changes to ch. Trans 213 modify the current state requirements for determining eligibility of local bridges for funding in order to allow local units of	

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government to identify and program local bridge improvement appropriately.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rule changes bring the rules into conformance with current federal bridge inspection standards and broaden local bridge eligibility for funding opportunities for local units of government to appropriately identify timely bridge improvement work to preserve or extend the bridge life.

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16. Long Range Implications of Implementing the Rule

The implications of the proposed rule changes will allow for conformity with current federal bridge standards. The broadening of local bridge eligibility to provide timely bridge improvement work allows local units of governments to select treatments appropriately to preserve or extend the bridge life.

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17. Compare With Approaches Being Used by Federal Government

These rule proposal changes are consistent with federal government bridge inspection as well as management strategies used to preserve or extend the bridge life for federal and state bridges.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois does not have a state statute or administrative code, they follow the National Bridge Inspection Standards (NBIS) and National Tunnel Inspection Standards (NTIS) provided in Title 23 of the Code of Federal Regulations (Bridge Management and Inspections ([illinois.gov](http://illinois.gov))).

State funding of road district bridges is provided for in statute 605 ILCS 5/ Illinois Highway Code. ([ilga.gov](http://ilga.gov)), including the Township Bridge Program in Illinois Highway Code 605 ILCS 5/6- 901.

Per Iowa Code Chapter 314.18, the counties, cities, and other public agencies are responsible for the safety inspection and evaluation of all highway bridges under their jurisdiction which are located on public roads, in accordance with the National Bridge Inspection Standards (NBIS). An Instruction Memorandum (I.M.), I.M. 7.020 ([iowadot.gov](http://iowadot.gov)) provides guidelines and procedures for bridge inspections.

State bridge funding programs are described in Iowa Code Section 312.2 and 761.161.pdf ([iowa.gov](http://iowa.gov)). Highway Bridge Programs for Cities and Counties are described in I.M. 1.100 ([iowadot.gov](http://iowadot.gov)). This includes guidelines and procedures for the Local Public Agency (LPA) Federal-aid Swap and State bridge programs for highways.

Michigan does not have a state statute or administrative rule for bridge inspections. There is Bridges and Culverts statute Michigan Legislature - Act 354 of 1925, however it does not include inspection information.

Michigan DOT does have Local Bridge Program Rules 247.161 to 247.166 and state statute Michigan Legislature - Section 247.660.

Minnesota has bridge inspection specifications in Minnesota Statute 165.03 – Strength of Bridge Inspection Sec. 165.03 MN Statutes. Minnesota does not have administrative rules related to bridge inspections. They have Bridge & Structure Inspection Program Manual section A.3.4.3 Inspection Specifications Bridge Inspection - Bridges and Structures - MnDOT ([state.mn.us](http://state.mn.us)).

Minnesota Local Bridge Replacement Program (LBRP - State Aid - MnDOT) provides funding assistance to local agencies for the reconstruction, rehabilitation, or removal of bridges or structures on their local road system. These funds are appropriated per Minnesota Statutes Sec. 174.50 MN Statutes and Minnesota Rules 8810 - MN Rules Chapter. Further, there are Resources - Bridge State Aid - MnDOT for bridge funding eligibility (i.e., condition criteria) and bridge preservation, improvement, and replacement guidelines (e.g., MnDOT Bridge Asset Management).

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19. Contact Name

20. Contact Phone Number

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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

WisDOT anticipates no substantive impacts on small businesses and industries.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements  
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting  
☐ Consolidation or Simplification of Reporting Requirements  
☐ Establishment of performance standards in lieu of Design or Operational Standards  
☐ Exemption of Small Businesses from some or all requirements  
☐ Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No

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